

REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Applicants submit that the above amendments require no further search, and respectfully request that they be entered.

Status of the Claims

Claims 2-16 are pending. Claim 1 was previously canceled without prejudice or disclaimer of the subject matter recited therein. Claims 2 and 13 have now been amended. No new matter has been added.

Objection to the Claims

Claims 2 and 13 were objected to for containing informalities. Applicant submits that amendments to the claims have addressed these informalities. No new matter has been added. Reconsideration of the objection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2,-10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Application No. 2004/0054750 to de Jong et al. ("de Jong") in view of U.S. Published Application No. 2003/0174842 to Challenger. Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over de Jong in view of Challenger and further in view of U.S. Patent No. 5,901,227 to Perlman. Claims 11-12 were rejected under 35 U.S.C. § 103(a) as

being unpatentable over de Jong in view of Challener and further in view of U.S. Published Application No. 2004/0010715 to Winiger et al. ("Winiger").

It is respectfully submitted that, contrary to the Office Action's statement, the arguments of the previous response do comply with 37 C.F.R. § 1.111(c). Detailed Action, item 4, page 2. In the December 19, 2009 prior response, page 13, line 7 bridging through page 14, line 10, Applicants set forth with particularity specific claimed subject matter along with the reasons as to why at least this claimed subject matter is not taught or suggested by the cited references.

De Jong is directed to a system for digital access control. De Jong describes that a particular content producer 105-120 controls access to digital content stored by the digital content producer. De Jong further describes that a user desiring access to digital content stored by a content producer 105-120 uses a mobile phone 125-140 to issue an access request to the particular content producer. De Jong, ¶¶ 007-08; Fig. 1.

De Jong describes that a download manager 2716 is configured to receive a digital content request and communicate with a content rights database 2722 to determine whether the user is authorized to access the digital content provided by the content producer 2710. A content repository 2708 is configured to receive an authenticated digital content request and return digital content corresponding to the authenticated digital content request. The content producer 2710 provides digital content to the content repository 2708. De Jong, ¶¶ 0170-175; Fig. 27.

It is respectfully submitted that there is thus a clear distinction in de Jong between a user (i.e., one who issues an access request) and a content producer (i.e., a system component that

stores digital content or a reference to the digital content). Nowhere does de Jong teach or suggest that a user stores content or reference to the content. Nor does de Jong teach or suggest that a user requests access to content stored by the user, or any user.

Independent claim 2 of the present application has now been amended so as to require a “a personal locker, wherein a reference to first files of the first user is storable in the personal locker only by the first user and displayable only to the first user.”

It is respectfully submitted that de Jong does not teach, or suggest, a personal locker that contains references to files of a first user that are displayable only to that first user, as now required by amended claim 2. In contrast, de Jong merely describes a system that includes content database 340 or content repository 2708 that contains digital content from a content producer 2710, and a download manager 2716 in communication with a contents right database 2722 to determine whether a user requesting access to the content is an authorized user. De Jong, ¶¶ 0170-175; Fig. 27. De Jong fails to disclose, or suggest, that the content storer is the only user to which a reference to the content is displayable, as required by claim 2.

It is respectfully submitted that Challener fails to disclose the features of claim 2 demonstrated above to be missing from de Jong. Accordingly, a combination of de Jong and Challener, to the extent proper, could not render independent claim 2, nor any of its dependent claims, obvious. Further Perlman and Winiger fail to disclose those features of claim 2 missing from de Jong and Challener. Accordingly, respective combinations of de Jong, Challener, Perlman, and Winiger, to the extent proper, could not render claims depending from claim 2 obvious.

Application No. 10/563,337
Response dated April 17, 2009
Response to Final Office Action of February 18, 2009

Docket No. 20811/0204741-US0

Reconsideration and withdrawal of the respective rejections under 35 U.S.C. § 103(a) of claims 2-16 based on respective combinations of de Jong, Challener, Perlman and Winiger is respectfully requested.

CONCLUSION

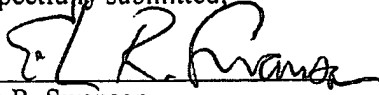
In view of the foregoing it is believed that remaining claims 2-16 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: April 17, 2009

Respectfully submitted,

By 
Erik R. Swanson
Registration No.: 40,833
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorney For Applicant(s)